IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 5441 OF 2005
IN
CRIMINAL APPEAL NO. 1169 OF 2004

Shivakumar B. Gupta ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Ashish Aversekar i/b Rajendra Shirodkar, Advocate for Applicant
Mr. V.B.Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 7TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail on the ground of illness of his wife and on the ground that he is mentally unstable.

3. The applicant had earlier preferred an application for bail which came to be rejected on merits. As far as his ground of illness of his wife is concerned, it is seen that the wife of the applicant is presently suffering only from low blood pressure. The certificates on which reliance is placed are dated 30.11.2000, 24.10.2002 and 29.11.2004, hence the police were asked to enquire into the present status of illness of the wife of the

applicant. As per the direction they made enquiries with the wife. She has stated that she is suffering from low B.P. and she has not stated about any other illness. Moreover, as far as the financial aspect is concerned, the wife is residing in her house. The upper floor of the house is given on rent by her. She has stated that she receives rent of Rs.1000/- per month from the said premises. Moreover, she also receives help by way of food grains from Hanuman Tekdi. Besides this, her brother in law is also residing in a room adjacent to her. Looking to all these facts, I do not think that this is a fit case to release the applicant on bail on the ground of illness of his wife.

4. As far as the ground of mental instability of the applicant is concerned, no documents have been annexed to show the nature of the mental instability or severity of the said illness. If at all the applicant is mentally unstable and if he is released on bail, there would be no help to his wife and in fact he would prove to be a liability to her. Hence, on this ground also, I am not inclined to release the applicant on bail. Needless to say the jail authorities shall provide all necessary treatment to the applicant in respect of his mental instability.

5. Application is disposed of.

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